



THE CITY OF NEW YORK
LAW DEPARTMENT

100 CHURCH STREET
NEW YORK, NY 10007

ZACHARY W. CARTER
Corporation Counsel

JOSEPH P. ZANGRILLI
Assistant Corporation Counsel
Phone: (212) 356-2657
Fax: (212) 788-9776
jzangril@law.nyc.gov

January 9, 2017

VIA ECF

Honorable Andrew J. Peck
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl St.
New York, New York 11201

Re: Felix Rodriguez v. New York City, et al.,
1:16-cv-9604 (NRB)(AJP)

Your Honor:

I am the Assistant Corporation Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, assigned to the defense of the above-referenced matter on behalf of defendant City of New York. Defendant respectfully requests that the Court grant a 60-day enlargement of time to defendant City to answer or otherwise respond to the complaint from January 9, 2017 until March 10, 2017. This is the City's first request for such an enlargement. Defendant City reached out to plaintiff's counsel, Duncan Peterson, Esq. by email and phone in order to obtain his consent to this request, and to discuss the possibility of seeking leave of the Court to include this matter in the Southern District's Plan for Certain Section 1983 cases, but I have yet to receive a response.

Based on the allegations in the Complaint, there are several reasons for seeking an enlargement of time in this matter. In accordance with this Office's obligations under Rule 11 of the Federal Rules of Civil Procedure, the City needs time to investigate the allegations set forth in the Complaint. By way of background, as set forth in the Complaint, Plaintiff alleges, *inter*

alia, that on or about July 2, 2016, he was the victim of excessive force implemented by a John Doe New York City Department of Homeless Services Police Officer.

Finally, because plaintiff has alleged physical injury as a result of the events complained of, this office is in the process of forwarding to plaintiff for execution a consent and authorization for the release of medical records, limited at this juncture, to records concerning treatment received as a result of the alleged incident, so that defendant City can properly assess the case and respond to the complaint.

Based on the foregoing, we respectfully request that Defendant City's time to answer or otherwise respond to the complaint be extended to March 10, 2017. Upon information and belief, this extension will not affect any other scheduled dates in this litigation.

Thank you for your consideration herein.

Respectfully submitted,

/s/

Joseph Zangrilli
Assistant Corporation Counsel

CC: Duncan Archie Peterson, Esq. (*Via ECF*)
Malcolm Alastair Anderson, Esq. (*Via ECF*)